

REMARKS

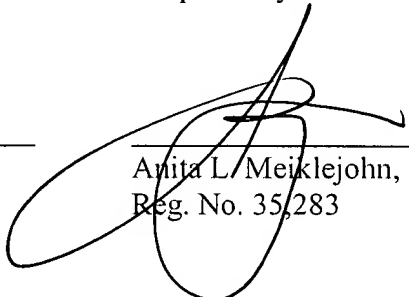
Applicants have canceled all of the previously pending claims and added new claims 104-224. Certain of the newly added claims are directed to methods entailing modulation of the expression of genes shown by the applicants to influence production of secondary metabolites such a lovastatin and penicillin. Other newly added claims are directed to a genetically modified fungus having modulated expression of genes shown by the applicants to influence production of secondary metabolites such a lovastatin and penicillin. Still other newly added claims are directed to secondary metabolite production methods entailing the use of the genetically modified fungus and to secondary metabolites produced by such methods. It is believed that the newly added claims are allowable.

Attached is a marked-up version of the changes being made by the current amendment.

Applicant asks that all claims be examined. Enclosed is a Transmittal Letter and Petition for Extension of Time with the appropriate fees, including excess claims fees. This Preliminary Amendment is being filed together with an RCE application. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 6 January 2003


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Applicant : Robert W. Busby et al.
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Page : 14

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Version with markings to show changes made

In the claims:

Claims 1-28, 102 and 103 have been cancelled.

New claims 104-224 have been added.